



INTERIOR BOARD OF INDIAN APPEALS

Charles F. Cole v. Acting Portland Area Director, Bureau of Indian Affairs

26 IBIA 84 (06/28/1994)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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|--------------------------------|---|--------------------------------|
| CHARLES F. COLE, | : | Order Docketing and Dismissing |
| Appellant | : | Appeal |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 94-129-A |
| ACTING PORTLAND AREA DIRECTOR, | : | |
| BUREAU OF INDIAN AFFAIRS, | : | |
| Appellee | : | June 28, 1994 |

On June 24, 1994, the Board of Indian Appeals (Board) received a notice of appeal from Charles F. Cole (appellant), pro se. Appellant sought review of a May 5, 1994, decision issued by the Acting Portland Area Director, Bureau of Indian Affairs (Area Director), disapproving his application for an Indian Business Development Program grant.

The Area Director's letter properly notified appellant that his appeal was to be filed with the Board within 30 days from the date appellant received the decision, and referred appellant to the regulations in 43 CFR 4.310-.340.

Because appellant's notice of appeal was postmarked June 21, 1994, the Board requested a copy of the return receipt card for the Area Director's decision. That card shows that appellant signed for the decision on May 13, 1994. Therefore, his notice of appeal is untimely.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Portland Area Director's May 5, 1994, decision is docketed and dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge